IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

APPEAL NO. 130 OF 2006
in
CHAMBER SUMMONS NO. 966 OF 2005
IN
SUMMARY SUIT NO. 1089 OF 1999

Rohit M Samghavi ...Appellant

versus

P.C.Gandhi and Others ... Respondents

Mr. Divekar instructed by M/s Divekar and Co
for the appellant.

Respondent appearing in person-present

Ms. Jyoti. P. Gandhi-Obstructionist- present

CORAM: KSHITIJ R. VYAS, C.J., &
ABHAY S. OKA,J.

DATE: JUNE 19, 2006.

P.C.

The appellant has challenged the order dated 30th November, 2005 passed in Chamber Summons No.967 of 2005 in Summary Suit No.1089 of 1999, whereby the learned Single Judge has observed that the son of the appellant cannot appear as an Advocate in the present proceedings or in any proceedings arising out of Summary Suit No.1089 of 1999. Sustaining the objection raised by the respondents, the learned

Judge adjourned the matter to enable the appellant to engage an Advocate to appear for him. It appears that the aforesaid observation of the learned Judge is made on the ground that Mr.Devang Sanghvi, son of the appellant, has personal and pecuniary interest in the matter and in view of the fact that rule 9 of the Bar Council Rules stipulates that an Advocate appearing in person should not have pecuniary interest in the matter.

2. Having heard the learned consel for the parties, in our opinion this appeal is not maintainable in as much as there is no adjudication, as the learned Judge has simply adjourned the matter to enable the appellant to engage an Advocate. We therefore, dismiss this appeal on this ground alone reserving the liberty to the concerned Advocate to take appropriate proceedings to establish his right to appear as advocate.

CHIEF JUSTICE

ABHAY S. OKA, J.